

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 2818-64

C# M#

DE SANTIS, Rita

Group Art Unit: 1636

Serial No. 09/981,239

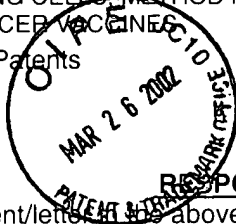
Examiner: Qian

Filed: October 18, 2001

Date: March 26, 2002

Title: ANTIGEN PRESENTING CELLS METHOD FOR THEIR PREPARATION AND
THEIR USE FOR CANCER VACCINESAssistant Commissioner for Patents
Washington, DC 20231

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter to the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

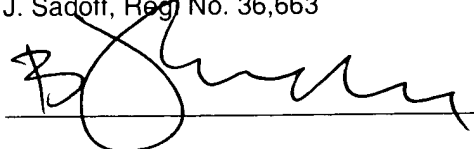
Other: 0.00

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

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DE SANTIS, Rita

Atty. Ref.: 2818-64

Serial No. 09/981,239

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For: ANTIGEN PRESENTING CELLS, METHOD FOR THEIR
PREPARATION AND THEIR USE FOR CANCER
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* * * * *

March 26, 2002

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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE

Responsive to the Office Action dated February 26, 2002, the applicants elect, with traverse, the subject matter of Group I, for further prosecution in the above.

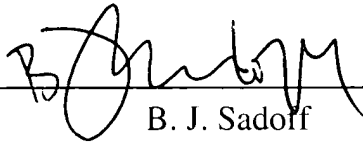
Reconsideration and withdrawal of the restriction requirement are requested, at least with regard to Groups I, II, IV, V and VI as the applicants note the subject matter of these Groups, by the Examiner's own admission, define similar subject matter which has not obtained a separate classification within the art. Specifically, the applicants note the Examiner has classified the subject matter of Groups I, II, IV, V and VI in Class 435, Sub-class 325. Accordingly, a search of at least this subject matter would not be an undue burden on the Examiner and withdrawal of the restriction requirement with regard to Groups I, II, IV, V and VI is requested.

Moreover, the applicants submit that Group II is not patentably distinct from Group I because the treatment of malignancies of different histotypes that constitutively express one or more cancer antigens is possible only with cells of claim 18, obtainable with methods of claims 1-17. In this regard, the Examiner is specifically requested to see page 3, line 16 to page 4, line 20. The present invention provides a cancer vaccine able to act against multiple TAA and this represents progress with respect to the prior art (see, page 4, last paragraph to page 5, first full paragraph, and in particular the statement "the possibility to practice a cancer vaccine on a wide population of cancer patients, not limited to the specific single targeted CTA, or TAA, and in that the cancer vaccine not be 'restricted' to selected HLA class I and/or HLA class II antigens."). Similar reasoning applies to the subject matter of Group V. The applicants also submit that the subject matter of Groups III, IV and VI are not patentably distinct from the subject matter of the Examiner's Groups I, II and V, for reasons similar to those noted above. Accordingly, reconsideration and withdrawal of the restriction requirement and an early Action on the merits of all the claimed subject matter are requested.

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Serial No. 09/981,239

Respectfully submitted,

NIXON & VANDERHYE P.C.

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